IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 1956 OF 2002

IN

SUIT NO. 2447 OF 2002

Champalal S. Khimavat .. Plaintiffs

versus

Shalini Sangeeta Developers Pvt. Ltd. & ors. .. Defendants

...

Mr.A.K. Abhyankar with Mr.A.A. Joshi i/b Lalit Jain for the plaintiff.

Mr.Y.S. Jehagirdar i/b R.K. Kakkara for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 4th March 2005.

P.C.:

1. Heard the learned counsel for the parties.

2. I have perused the ad-interim order dated 6th August 2002. By a reasoned order, this Court has

declined to grant an ad-interim injunction. I have little to add to the said reasoning except to say that the allegations of fraud are not proved and in any event, I am unable to record a finding that there was any fraud at this interim stage without trial. One more thing needs to be mentioned under a letter dated 20th March 2002 (Exhibit-E to the plaint), the plaintiff himself took possession of the shop. When he took the possession of the shop, he knew the shop of which he was taking the possession. Therefore, the contention that he has been wrongly put in possession of a different shop prima facie is not believable. Hence, motion is dismissed.

D.G. KARNIK, J